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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,626	02/01/2001	Motomu Fukasawa	865.4528	3044

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EXAMINER

REIS, TRAVIS M

ART UNIT PAPER NUMBER

2859

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/774,626

Applicant(s)

FUKASAWA, MOTOMU

Examiner

Travis M Reis

Art Unit

2859

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 5,6,11,12 and 21.

Claim(s) objected to: 15 and 17.

Claim(s) rejected: 1-4, 7-10, 13, 14, 16 and 18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

~~09/774,826~~

Continuation of 2. NOTE: Replacing "indicator r means" with "indicator means" in claim 1 would be entered if filed in a separate amendment. The addition of the limitation "and maintaining the state of the property after the property changes its value in response to the history of conditions in the environment" in claim 13 is considered to raise a new issue since this limitation was not present in the finally rejected claim. Claims 22 & 23 are considered to raise new issues since these claims as presented were not present among the finally rejected claims.

Furthermore, with respect to applicant's arguments that the current state of the indicator means can be used to determine the history of environmental conditions to which the unit is subjected and the degree of the unit; the degree of the unit's deterioration can be detected by examination of the current condition of the indicator means; these arguments have been considered but are not persuasive since it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant only claims the limitation "wherein said environmental history indicator means maintains the state of deterioration of the property" in the independent claims. Applicant appears to argue that the invention of Masushita does not disclose a history, meaning a record, of deterioration. With respect to applicant's arguments that Matsushita does not reflect the history of the environmental conditions and does not disclose maintains the state of deterioration of a property thereof that varies in accordance with the history of the conditions in the environment in which that apparatus was used, these arguments have been considered but are not persuasive since the Examiner must interpret, in a broad sense, the claim language referred to above as meaning that the Masushita invention maintains the state of deterioration of the device up to the latest assesment of the sensor and maintains this property until the next property change, which becomes the new maintained property, this in turn means that the sensor has a history of environmental conditions, as detailed in paragraph 2 of the Final Rejection.